

HOUSE BILL REPORT

HB 2395

As Reported by House Committee On:
Juvenile Justice & Family Law

Title: An act relating to protocols for addressing the impact of domestic violence on children.

Brief Description: Addressing the impact of domestic violence on children.

Sponsors: Representatives Dickerson, Williams, Hasegawa, Darneille, Morrell, Roberts, Kagi, Flannigan, B. Sullivan and Miloscia.

Brief History:

Committee Activity:

Juvenile Justice & Family Law: 1/27/06, 1/31/06 [DPS].

Brief Summary of Substitute Bill

- Requires the Department of Social and Health Services (DSHS) to consider domestic violence issues when conducting a child abuse or neglect investigation and to review current department policies regarding domestic violence issues.
- Requires the DSHS to work with agencies involved with domestic violence victims to develop written protocols for intervening in cases where allegations of child abuse or neglect and domestic violence co-occur.

HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Dickerson, Chair; Moeller, Vice Chair; McDonald, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Crouse, Lovick and Roberts.

Staff: Sonja Hallum (786-7092).

Background:

The Washington State Coordinated Response Protocol Project (Project) was developed by a multi-disciplinary Leadership Network that included representatives from a wide range of community and state agencies. The Project was supported by a grant from the U.S. Department of Justice.

This statewide collaborative leadership network was established to:

- (1) design a statewide protocol template in conjunction with regional implementation groups and stakeholders;
- (2) provide technical assistance to local jurisdictions implementing the protocol template; and
- (3) provide oversight and guidance in the development of statewide policy and procedures to support implementation of the protocol.

The Leadership Network, in conjunction with regional implementation sites, created a protocol template as a set of principles and intervention guidelines for communities across the state to guide practice when responding to families experiencing domestic violence and child maltreatment.

Summary of Substitute Bill:

When conducting an investigation of child abuse or neglect, the Department of Social and Health Services (DSHS) is required to make a reasonable effort to determine if domestic violence contributed to the child abuse or neglect.

The DSHS is required to review current department policies and procedures to determine if they are adequate to screen for domestic violence issues. The DSHS must then report the findings of the review to the Washington State Coordinated Response Protocol Project (Project) and the Project must report to the Legislature. The Project is also required to review methods to conduct comprehensive assessments of alleged domestic violence perpetrators in cases involving co-occurring allegations of domestic violence and child maltreatment.

The DSHS is encouraged to work with agencies involved with domestic violence victims to develop written protocols for intervening in cases where allegations of child abuse or neglect and domestic violence co-occur. The DSHS must then implement the protocols in each of its regions.

The substitute changes the definition of abuse and neglect that becomes effective on January 1, 2007, to add that exposure to domestic violence can be considered negligent treatment or maltreatment if the exposure is so severe or on-going as to cause harm or to create a clear and present danger of harm to the child's health, welfare, or safety.

Substitute Bill Compared to Original Bill:

The substitute removes the requirements for the Department of Social and Health Services (DSHS) to investigate and provide assessments for potential domestic violence issues, or to provide training for this investigation and assessment. Instead, the DSHS is required to make a reasonable effort to determine if domestic violence contributed to the child abuse or neglect and the Washington State Coordinated Response Protocol is required to review methods to conduct comprehensive assessments of alleged domestic violence perpetrators.

The requirement in the original bill that the counties, and any agencies intervening in co-occurring allegations of abuse and neglect, develop protocols for intervening in such cases is

replaced by the requirement that the DSHS work with agencies involved with domestic violence victims to develop written protocols for intervening in such cases.

The substitute bill changes the definition of abuse and neglect that becomes effective on January 1, 2007, to add that exposure to domestic violence can be considered negligent treatment or maltreatment if the exposure is so severe or on-going as to cause harm or to create a clear and present danger of harm to the child's health, welfare, or safety.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed, except for section 4 relating to the definition of negligent treatment and maltreatment, which takes effect January 1, 2007.

Testimony For: (Substitute bill) In reading child death reviews, it has been recommended that the Department adopt policies and procedures around domestic violence. Too many children are exposed to incidents of adult domestic violence each year. Children in violent households are at increased risk of physical abuse and often experience heightened levels of depression, anxiety and aggression. Removing a child from a non-offending parent may have a negative impact on children. A recent NCSL report states that a major issue is whether child protection workers have the knowledge to assess the risks to child safety to intervene in a way that doesn't re-victimize mothers and their children. Child Protective Services needs to support the victim and hold the batterer accountable. This substitute is a compromise worked out with the Department.

Testimony Against: None.

Persons Testifying: Representative Dickerson, prime sponsor; Grace Huang, Washington Coalition Against Domestic Violence; Sarah Cherin, Children's Alliance; Laurie Lippold, Children's Home Society; Andrea Grey, Eastside Domestic Violence Program; and Gail Gosney, Thurston Community Network.

Persons Signed In To Testify But Not Testifying: None.